CF/1002 (4) (2)

SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P.(S) No. 7541 /2006

PETITIONER : Mohammad Khalil,
S/O. Shri Mohammad Usman,
Aged about : 35 years,
R/O. Masjid Road, Champa,
Distt. Janjgir-Champa (C.G.)

P.R. No. 7695/06
Presented by Shri ...
dated 21/12/06

VERSUS

RESPONDENTS 1. State of Chhattisgarh
Through : The Secretary,
School Education Department,
D.K.S. Bhawan, Raipur,
Distt. : Raipur (C.G.)

H COMMISSIONER
S.R. Kaushik

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2. The Collector, Janjgir,
Distt. Janjgir-Champa (C.G.)

3. The Chief Executive Officer,
Janpad Panchayat, Navagarh,
Distt. Janjgir-Champa (C.G.)

(3) (3)

4. The District Education Officer,
Janjgir,
Distt. Janjgir-Champa (C.G.)

5. Block Education Officer,
Navagarh,
Distt. Janjgir-Champa (C.G.)

6. Smt. Akhtari Begam,
W/O. Shri Maulana Madni
@ Julkar Nain,
aged about : 36 years,
R/O. Purani Basti Naila,
Distt. Janjgir-Champa (C.G.)

OATH COMMISSIONER

WRIT PETITION UNDER ARTICLE 226 OF

THE CONSTITUTION OF INDIA

The petitioner humbly submits following facts and grounds as under:-

(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 7541 of 2006

Petitioner Mohammad Khalil

Versus

Respondents State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Shri Pushpendra Kumar Patel, Advocate for the petitioner.
Shri Sushil Dubey, Government Advocate for the respondents No. 1, 2, 4 and 5.

O R D E R

(Passed on 10th Day of January, 2007)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed this petition under Article 226 of the Constitution of India impugning the appointment order dated 27.4.2006 (Annexure P-8), whereby the respondent No. 6 was appointed.

2. The facts of the case in nutshell are that in the selection held in April, 2006 for appointment on the post of Shiksha Karmi Grade III (Urdu), the petitioner and respondent No. 6 along with others applied for appointment in the office of District Education Officer, Janjgir, District Janjgir-Champa (C. G.). On due selection, respondent No. 6, who possesses the minimum required qualification i.e. Higher Secondary School Examination Pass Certificate with Urdu subject was selected and appointed as Shiksha Karmi Grade III (Urdu).

3. The petitioner being unsuccessful in the selection, has filed this writ petition challenging the appointment of respondent No. 6 on the ground

that the petitioner has Higher Secondary School Examination Pass Certificate with Adib-A-Mahir Certificate from Jamiya Urdu Aligarh and respondent No. 6 does not have Adib-A-Mahir Certificate from Jamiya Urdu Aligarh. In Schedule II under Rule 2(c) and Rule 5 of the Shiksha Karmis (Recruitment & Conditions of Service) Rules, 1997 (for short 'the Rules of 1997') the required qualification prescribed for Shiksha Karmi Grade III (Urdu) is Higher Secondary School Certificate Examination with Urdu subject or Higher Secondary Certificate with Adib-A-Mahir certificate from Jamiya Urdu Aligarh. This is not required that candidate should have a certificate of Adib-A-Mahir certificate from Jamiya Urdu Aligarh in all the cases. The requirement is that a candidate should have obtained Higher Secondary School Examination Pass Certificate in Urdu subject.

4. The petitioner as well as respondent No.6 both possess the required qualification as prescribed under Schedule II of the Rules of 1997. The appointment of respondent No.6 is not challenged on any other ground. Thus, it does not warrant any interference in the order of appointment passed in favour of respondent No.6. The petitioner has not disclosed that he has acquired any right. There is no semblance of any right, which has allegedly been breached.

5. Thus, this writ petition stands dismissed summarily. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash